

1 I, KRIS LAVOIE, being duly sworn, depose and state:

2 I. INTRODUCTION

3 1. I am an investigative or law enforcement officer of the
4 United States within the meaning of Section 2510(7) of Title 18
5 of the United States Code. I am empowered to conduct
6 investigations of and to make arrests for offenses enumerated in
7 18 U.S.C. Section 2516.

8 2. I have been a Police Officer for the Ontario Police
9 Department for approximately 7 years. I am currently assigned to
10 the High Intensity Drug Trafficking Area, Group 50 (hereinafter
11 referred to as HIDTA 50).

12 3. I am a full-time sworn peace officer, and have been
13 employed in such capacity since March 2001. From March 2001 to
14 June 2006, I was assigned to the Patrol Division, and from June
15 2006 to the present, I have been assigned to HIDTA 50 as a Task
16 Force Officer (TFO). HIDTA 50 is a multi-agency task force,
17 which conducts a variety of narcotics investigations, from mid-
18 level narcotics traffickers to major narcotics trafficking
19 organizations. HIDTA 50 is comprised of various special agents
20 from the Drug Enforcement Administration ("DEA"), Immigration and
21 Customs Enforcement ("ICE"), Internal Revenue Service ("IRS"),
22 and local law enforcement personnel designated as Task Force
23 Officers (TFO's) from the Riverside Police Department ("RPD"),
24 the Riverside Sheriff's Office ("RSO"), the Ontario Police
25 Department ("OPD"), and San Bernardino Sheriff's Department
26 ("SBSD").

27 4. I first received training in narcotics and controlled
28 substances laws and investigations at the San Bernardino

1 Sheriff's Academy in 2000. Since that time, I have attended over
2 200 hours of specific training in the investigation of narcotics
3 and controlled substances offenses, some of which were provided
4 by the California Narcotics Officers' Association, California
5 Department of Justice and the Federal Law Enforcement Training
6 Center.

7 5. I have participated in over 100 narcotics
8 investigations involving the unlawful importation, possession
9 with intent to distribute and distribution of controlled
10 substances (including heroin), as well as the investigative
11 activity directed at monetary transactions involving the proceeds
12 of specified unlawful activities and conspiracies, associated
13 with criminal narcotics offenses in violation of Title 21, United
14 States Code, Sections 841(a)(1), 843(b), 846, 952(a) and 963,
15 Title 18, United States Code, Section 924 and California Health
16 and Safety Code Sections 11351, 11352, 11378, 11379, 11379.6(a)
17 and conspiracy to commit those crimes in violation of Penal Code
18 Section 182. During these investigations, I have conducted
19 physical surveillance, executed search warrants, arrested several
20 narcotics traffickers and monitored conversations, pursuant to
21 Section 629.50 et seq. of the California Penal Code and Section
22 2518 of Title 18, United States Code. On numerous occasions, I
23 have spoken with informants, suspects, defendants and experienced
24 narcotics investigators concerning the methods and practices of
25 narcotics traffickers. Through these investigations, my
26 training, experience and conversations with experienced agents,
27 other narcotics investigators and law enforcement personnel, I
28 have become familiar with the methods employed by narcotics

1 traffickers in general, and large Mexican narcotics trafficking
2 organizations in particular, to smuggle, safeguard, distribute
3 narcotics and to collect and launder narcotics-related proceeds.
4 These methods include the use of debit calling cards, public
5 telephones, wireless communications technology, such as paging
6 devices and cellular telephones, counter-surveillance,
7 elaborately planned smuggling schemes tied to legitimate
8 businesses, false or fictitious identities and coded
9 communications in an attempt to avoid detection by law
10 enforcement and circumvent narcotics investigations.

11 6. I have been the affiant on California State issued
12 wiretap affidavits, and assisted other law enforcement agents in
13 several state and federal wiretap investigations during the past
14 two years.

15 **II. PURPOSE OF AFFIDAVIT**

16 7. On February 13, 2009, the Honorable Manuel L. Real of
17 the United States District Court for the Central District of
18 California issued an order in CR Misc 09-0038-R, authorizing the
19 interception of wire communications of FNU LNU, also known as
20 "Alex," ("ALEX"), David NAVARRO ("NAVARRO"), Steve Osker HOYOS
21 ("HOYOS"), Sara Leticia MISQUEZ ("MISQUEZ"), FNU LNU, also known
22 as Chipo ("CHIPO"), Steven HERNANDEZ ("HERNANDEZ"), Larry CUEVAS
23 ("CUEVAS"), Patrick OROSCO ("OROSCO"), Armando VENEGAS
24 ("VENEGAS"), Richard Castorena ("CASTORENA"), Mario LNU
25 ("MARIO"), Lucio Gallardo Diaz ("DIAZ"), Ray Perez ("PEREZ"),
26 Shawn Young ("YOUNG"), Carmela LNU ("CARMELA"), FNU LNU, also
27 known as Cabezón ("CABEZON"), Gabriel Macias ("MACIAS"), Paul
28 ONSUREZ ("ONSUREZ"), Juan DIAZ ("DIAZ"), FNU LNU ("UM/SOS"),

Victor Carrasco Felix ("FELIX"), ("JOSE LNU"), ("GILBERTO GUTIERREZ"), ("JOSE GUTIERREZ"), Teresa Castro ("CASTRO"), and others yet unknown (the "Target Subjects") taking place to or from:

a Sprint/Nextel cellular telephone subscribed to Ramon Ponce, at 10351 Central Avenue, Montclair, CA 91763, with a telephone number of 909-631-8843, IMSI¹ # 000009096368023, and believed to be used primarily by FNU LNU, also known as "Alex," ("ALEX"), (Target Telephone #1), or any subsequently changed telephone number assigned to the same IMSI with the same subscriber information, and/or any subsequently changed IMSI assigned to the same telephone number with the same subscriber information; and

a Sprint/Nextel cellular telephone subscribed to Jose Lopez, at 13020 Francisquito Suite 17, Baldwin Park, CA 91706, with a telephone number of 626-736-0066, IMSI # 000006262083542, and believed to be used by FNU LNU, ALEX's narcotics source of supply who has yet to be identified ("Target Telephone #2") or any subsequently

¹ IMSI is an acronym for "International Mobile Subscriber Identity." The IMSI is a unique non-dialable number allocated to each subscriber that identifies subscriber account information (as opposed to the physical telephone equipment) for certain cellular telephones. The IMSI number is unique to that subscriber, and is never re-assigned. Thus, if the target exchanges his cellular telephone for an updated model and also changes his telephone number, the IMSI will remain the same.

1 changed telephone number assigned to the same IMSI with
2 the same subscriber information, and/or any
3 subsequently changed IMSI assigned to the same
4 telephone number with the same subscriber information.

5 8. On March 17, 2009 the Honorable Manuel L. Real of the
6 United States District Court for the Central District of
7 California issued an order in CR Misc 09-38(A)-R, authorizing the
8 interception of wire communications of the **Target Subjects** taking
9 place to or from:

10 a MetroPCS cellular telephone, subscribed to Armando
11 Gonzales at 15576 Merrill Ave., Fontana, California,
12 92335, with a telephone number of 909-251-1663, MEID² #
13 268435457101363157, and believed to be used primarily
14 by FNU LNU, also known as "Alex," ("ALEX"), (**Target**
15 **Telephone #3**), or any subsequently changed telephone
16 number assigned to the same MEID with the same
17 subscriber information, and/or any subsequently changed
18 MEID assigned to the same telephone number with the
19 same subscriber information; and

20
21 a Verizon Wireless cellular telephone subscribed to
22 Gabriela Meza, at 1560 Otterbein Avenue, Space 18,
23 Rowland Heights, CA 91748, with a telephone number of
24

25 ² ESN is an acronym for "Electronic Serial Number." The ESN
26 uniquely identifies certain cellular telephones. MEID is an
27 acronym for "Mobile Equipment Identifier." The MEID uniquely
28 identifies certain cellular telephones, and is being used by
Verizon Wireless on new phones to replace the ESN.

1 909-261-9412, ESN/MEID # A0-00000E-57811B, and believed
2 to be used primarily by DAVID NAVARRO ("Target
3 Telephone #4") or any subsequently changed telephone
4 number assigned to the same ESN/MEID with the same
5 subscriber information, and/or any subsequently changed
6 ESN/MEID assigned to the same telephone number with the
7 same subscriber information.

8 The interception of Target Telephone #3 ended on April 16, 2009.
9 I discontinued interception of Target Telephone #4 on April 1,
10 2009 because I determined that the level of wire communications
11 over Target Telephone #4 that were pertinent to this
12 investigation was low.

13 9. During the course of this investigation, I have
14 previously obtained California state orders authorizing the
15 interception of wire and electronic communications of various
16 telephone numbers including Target Telephone #1. Specifically:

17 i. On October 14, 2008, the Honorable Judge Kenneth
18 Barr issued San Bernardino County Intercept Order 2008-83
19 authorizing the interception of wire and electronic
20 communications to and from telephone number 909-717-5752;

21 ii. On November 12, 2008, the Honorable Judge Kenneth
22 Barr issued San Bernardino County Intercept Order 2008-83
23 Extension #1, authorizing the continued interception of wire and
24 electronic communications to and from telephone number 909-717-
25 5752;

26 iii. On November 12, 2008, the Honorable Judge Kenneth
27 Barr issued San Bernardino County Intercept Order 2008-93
28 authorizing the interception of wire and electronic

1 communications to and from **Target Telephone #1**;

2 iv. On December 11, 2008, the Honorable Judge Kenneth
3 Barr issued San Bernardino County Intercept Order 2008-93
4 Extension #1, authorizing the continued interception of wire and
5 electronic communications to and from **Target Telephone #1**; and

6 v. On December 12, 2008, the Honorable Judge Helios
7 Hernandez issued Riverside County Intercept Order 08-62,
8 authorizing the interception of wire and electronic
9 communications to and from telephone number 714-457-7770.

10 10. I incorporate by reference my February 13, 2009
11 affidavit in support of the interception of wire communications
12 to and from **Target Telephone #1**, and **Target Telephone #2**, and my
13 March 17, 2009 affidavit in support of the interception of wire
14 communications to and from **Target Telephone #3**, and **Target**
15 **Telephone #4** as though fully set forth herein.

16 11. I make this affidavit in support of the continued
17 interception of wire communications to and from **Target Telephone**
18 **#3** as well as the original interception of wire communications to
19 and from:

20 a Sprint/Nextel cellular telephone subscribed to Whaterver,
21 Crazt Legs, at 1925 Eloise Way, Upland, CA 91784, with a
22 telephone number of 909-489-8277, ESN # 2684354620058018 and
23 believed to be used primarily by DAVID NAVARRO ("**Target**
24 **Telephone #5**" and collectively with **Target Telephone #3**, the
25 **Target Telephones**) or any subsequently changed telephone
26 number assigned to the same ESN with the same subscriber
27 information, and/or any subsequently changed ESN assigned to
28 the same telephone number with the same subscriber

1 information.

2 12. Based on the facts set forth in this affidavit, there
3 is probable cause to believe that FNU LNU, also known as "Alex,"
4 ("ALEX"), David NAVARRO ("NAVARRO"), Steve Osker HOYOS ("HOYOS"),
5 Sara Leticia MISQUEZ ("MISQUEZ"), FNU LNU, also known as Chipo
6 ("CHIPO"), Steven HERNANDEZ ("HERNANDEZ"), Larry CUEVAS
7 ("CUEVAS"), Patrick OROSCO ("OROSCO"), Armando VENEGAS
8 ("VENEGAS"), Richard Castorena ("CASTORENA"), Mario LNU
9 ("MARIO"), Lucio Gallardo Diaz ("DIAZ"), Ray Perez ("PEREZ"),
10 Shawn Young ("YOUNG"), Carmela LNU ("CARMELA"), FNU LNU, also
11 known as Cabezón ("CABEZON"), Gabriel Macias ("MACIAS"), Paul
12 ONSUREZ ("ONSUREZ"), Juan DIAZ ("DIAZ"), FNU LNU ("UM/SOS"),
13 Victor Carrasco Felix ("FELIX"), ("JOSE LNU"), ("GILBERTO
14 GUTIERREZ"), ("JOSE GUTIERREZ"), Teresa Castro ("CASTRO"), and
5 others yet unknown, hereinafter, the **"Target Subjects,"**³ have
16 committed, are committing, and will continue to commit the
17 federal offenses enumerated in 18 U.S.C. § 2516, namely:

18 a. Racketeer Influenced and Corrupt Organizations
19 ("RICO") offenses, in violation of Title 18, United States Code,
20
21

22 ³ Manuel VEGA ("VEGA") was a known and admitted member of the
23 Ontario Black Angels criminal street gang, who used the gang
24 alias of "Limpy." VEGA either personally collected extortion
25 money from ALEX's organization, or he was assisted by **Target**
26 **Subject** David NAVARRO. VEGA was a Hispanic Male, born on
27 September 8, 1979. His California Driver's License Number is
28 B8725308. VEGA resided at 372 Stillman St. Apt. D, Upland,
California, 91786, and was the victim of a homicide near his home
in Upland on January 13, 2009. As such, he is no longer
considered a **Target Subject**.

1 Sections 1962 and 1963;⁴

2 b. Violent crimes in aid of a racketeering
3 enterprise, in violation of Title 18, United States Code, Section
4 1959;

5 c. Manufacture, distribution, and possession with
6 intent to distribute a controlled substance, in violation of
7 Title 21, United States Code, Section 841(a)(1);

8 d. Conspiracy to distribute a controlled substance,
9 in violation of Title 21, United States Code, Sections 846 and
10 841(a)(1);

11 e. Importation of a controlled substance into the
12 United States, in violation of Title 21, United States Code,
13 Sections 952 and 960;

14 f. Conspiracy to import a controlled substance into
the United States, in violation of Title 21, United States Code,
16 Section 963;

17 g. Use of a communication facility in committing or
18 in causing or facilitating the commission of a felony narcotics

19 _____
20 * There is probable cause that the subject individuals and their
21 conspirators constitute an enterprise, that is, a group of
22 individuals associated in fact. Members and associates of this
23 enterprise are believed to have violated 18 U.S.C. § 1962(c)
24 (RICO Substantive) and § 1962(d) (RICO conspiracy), which is
25 punishable by 18 U.S.C. § 1963, by conducting and conspiring to
26 conduct the affairs of an association-in-fact enterprise, which
27 enterprise engaged in, and the activities of which affect,
interstate or foreign commerce, through a pattern of racketeering
28 activity consisting of acts involving narcotics trafficking in
violation of Title 21, United States Code, Sections 841 and 846,
and acts indictable under Sections 1952, of Title 18, United
States Code. The subject individuals use the target phone to
arrange and coordinate the activities of this enterprise.

1 offense, in violation of Title 21, United States Code, Section
2 843(b);

3 h. Laundering of monetary instruments, in violation
4 of Title 18, United States Code, Section 1956; and

5 g. Engaging in monetary transactions in property
6 derived from specified unlawful activity, in violation of Title
7 18, United States Code, Section 1957 (hereinafter referred to as
8 the "**Target Offenses**").⁵

9 13. This affidavit also seeks authorization to intercept
10 any such wire communications, not only over **Target Telephones**,
11 but also over any changed telephone numbers subsequently assigned
12 to the instruments bearing the same ESN/MEID or ISMI, and any
13 changed ESN/MEID or ISMI subsequently assigned to the **Target**
14 **Telephones**. This affidavit further seeks authorization to record
15 background conversations in the vicinity of **Target Telephones**
16 while the telephones are off the hook or otherwise in use.

17 14. Based upon my training and experience, and based on my
18 knowledge of this investigation, there is probable cause to
19 believe the wire communications concerning the **Target Subjects**
20 and others yet unknown concerning the aforementioned offenses
21 will be obtained through the requested wire interception of the
22 **Target Telephones**. In particular, these communications are
23 expected to reveal:

24 a. The nature, extent, and methods that the **Target**
25 **Telephones** are used to facilitate the possession with intent to
26

27 ⁵ Although not a predicate offense under 18 U.S.C. § 2516 and
28 thus not listed as a **Target Offense**, law enforcement agents are
also investigating the **Target Subjects** for violation of 18 U.S.C.
§ 2, aiding and abetting the substantive offenses.

1 distribute and distribution of controlled substances and listed
2 chemicals;

3 b. The nature, extent, and methods of operation of
4 the **Target Subjects**;

5 c. The identities and roles of accomplices, aiders
6 and abettors, co-conspirators, and participants in their illegal
7 activities;

8 d. The distribution and transfer of the contraband
9 and money involved in these activities;

10 e. The location and source of resources used to
11 finance the criminal activities;

12 f. The location and sources of resources used to
13 finance their illegal activities;

14 g. The location and disposition of the proceeds from
those activities;

16 h. The locations and items used in furtherance of
17 those activities.

18 15. These communications are expected to constitute
19 admissible evidence of the above-described offenses.

20 16. Normal investigative procedures have been tried and
21 have failed to achieve the goals of this investigation, appear
22 unlikely to achieve the goals of the investigation if tried, or
23 are too dangerous to employ.

24 17. The information set forth in this affidavit is
25 submitted for the limited purpose of supplying the legal
26 requirements for an order granting authorization for the
27 interception of wire communications on the **Target Telephones**. It
28 does not contain all of the facts known to this investigation.
Information not set forth herein is not relied on for the purpose

1 of establishing probable cause for the interception of the wire
2 communications on the **Target Telephones**.

3 **III. BASIS FOR FACTS CONTAINED IN THIS AFFIDAVIT**

4 18. This affidavit is based on personal knowledge I have
5 gained from my participation in this investigation as well as
6 information from the following sources:

7 a. Oral and written reports about this and other
8 investigations, which I have received from other law enforcement
9 officers;

10 b. Physical surveillance conducted by law enforcement
11 officers, which has been reported to me either directly or
12 indirectly;

13 c. A review of telephone air time and call records;

14 d. A review of public records, and police reports;

d. Debriefings of confidential informants; and

16 e. Review of intercepted telephone calls with one or
17 more of the **Target Subjects** pursuant to my California state
18 wiretap investigation. See ¶ 9; and

19 f. Review of intercepted telephone communications on
20 **Target Telephone #3 and Target Telephone #4**.

21 19. Unless otherwise noted, when I assert that a statement
22 was made, I have either heard the statement directly or listened
23 to a recording of the statement or the statement was reported to
24 me by another law enforcement officer, either directly or in a
25 written report. The officer providing me with the information
26 may have received the information by way of personal knowledge or
27 from another source.

28 20. Because this affidavit is being submitted for the
limited purpose of seeking authorization for the interception of

1 wire communications, I have not set forth every fact known to
2 this investigation. Facts not set forth herein are not being
3 relied upon in reaching my conclusion that an order should be
4 issued.

5 **IV. TARGET SUBJECTS**

6 21. I have obtained information concerning the background
7 of the **Target Subjects** from the following sources and criminal
8 indices: California Department of Motor Vehicle ("DMV"); National
9 Law Enforcement Telecommunications System ("NLETS"); National
10 Crime Information Center ("NCIC"); conversations with other law
11 enforcement officers participating in this investigation; and my
12 own participation in this investigation. To date, the
13 identifying information that I have ascertained regarding the
14 **Target Subjects** is as follows:

15 a. FNU LNU, also known as "Alex," is the leader of a
16 drug trafficking organization. ALEX is a mid-level heroin and
17 cocaine dealer who distributes narcotics using street level
18 dealers. ALEX previously paid extortion money to recently
19 deceased Manuel VEGA, who, in return, allowed ALEX's organization
20 to distribute narcotics in the Ontario, California area. VEGA
21 was the victim of a homicide near his home in Upland on January
22 13, 2009, however, based on calls previously intercepted on
23 **Target Telephone #1**, I believe that ALEX continues to make
24 extortion payments to VEGA's associate, NAVARRO. ALEX is a
25 Hispanic male, born on April 16, 1979. He does not possess a
26 California Driver's License and he is believed to reside at 15544
27
28

1 Prairie Way, Riverside, California.⁶

2 b. David NAVARRO ("NAVARRO") is a known and admitted
3 member of the Ontario Black Angels criminal street gang, who uses
4 the gang alias of "Plucky." Based on intercepted calls to and
5 from Target Telephone #1, and Target Telephone #3, I am aware
6 that NAVARRO contacts ALEX to collect extortion payments, and I
7 believe that he continues to collect these payments after VEGA's
8 death. NAVARRO is a Hispanic male, born on October 22, 1979.
9 His California Driver's License Number is B6405236. NAVARRO is
10 believed to reside at 1560 S. Otterbein Avenue #18, Rowland
11 Heights, California, 91748.

12 c. Steve Osker HOYOS ("HOYOS") is a former street-
13 level dealer that distributed narcotics for ALEX. As discussed
14 below, it is my belief, based on observations by surveillance and
15 intercepted communications on Target Telephone #1 and Target
16 Telephone #3, that HOYOS has regular contact with ALEX and still
17 receives narcotics from ALEX's runners. HOYOS is a Hispanic
18 male, born on September 9, 1964. His California Driver's License
19 Number is C5980365. HOYOS is believed to reside at 1254 W. J St.
20 Apt. B, Ontario, California, 91762.

21 d. Sara Leticia MISQUEZ ("MISQUEZ"), aka Sara
22

23
24 ⁶ On October 23, 2008, law enforcement initiated a traffic stop
25 on ALEX. ALEX provided a Mexican identification card bearing the
26 name Marco Antonio TORRES-CRUZ, and provided an address of 15576
27 Merrill Avenue in the city of Fontana, California. However,
28 based on my training and experience, I do not consider ALEX
positively identified at this time. Additionally, law
enforcement conducted a fingerprint check using a field
identification unit of ALEX. The check revealed that ALEX had
previously used the name Jose Luis Arreola during a prior contact
with law enforcement.

1 HOLGUIN, aka Sara DELVALLE, was a previous courier for ALEX.
2 MISQUEZ is a Hispanic female, born on August 25, 1959. Her
3 California Driver's License number is C0903027. MISQUEZ
4 previously resided at 1830 Tam O'Shanter St. Ontario, California,
5 but is presently in custody.

6 e. FNU LNU, also known as Chipo ("CHIPO"), has acted
7 as a source of supply of heroin for ALEX. Based on intercepted
8 calls on **Target Telephone #1**, I am aware that either CHIPO or an
9 associate of CHIPO was arrested on November 20, 2008 with
10 approximately 332 gross grams of heroin after leaving ALEX'S
11 residence. CHIPO or his associate identified himself to law
12 enforcement with a Mexican Driver's License as Kevin Alejandro
13 Martinez-Gonzalez, born on December 11, 1985, and provided an
14 address of 2054 Atlin St. Duarte, California at the time of his
arrest. Based on my training and experience, I do not consider a
16 Mexican Driver's License a valid form of identification and CHIPO
17 (or his associate) is not positively identified at this time.⁷

18 f. Steven HERNANDEZ ("HERNANDEZ"), aka Oscar Rangel,
19 has acted as a cocaine source of supply for ALEX. HERNANDEZ is a
20 Hispanic male, born on May 28, 1972. His California Driver's
21 License number is B8258753. HERNANDEZ is believed to reside at
22 404 Seventh St., Norco, California.

23 g. Larry CUEVAS ("CUEVAS"), also known as "China
24 Man," was a previous customer and has acted as a courier for
25 ALEX's narcotics trafficking organization. CUEVAS is a Hispanic
26

27 ⁷ I am also aware that CHIPO is presently being investigated by
28 DEA TFO Timothy Harrington in an ongoing unrelated federal
wiretap investigation. Additionally, I am aware that TFO
Harrington believes that CHIPO's moniker is "CHEPO."

1 male, born on June 27, 1977. His California Driver's License
number is B8143821. CUEVAS previously resided at 5206 Phillips
3 Blvd., Chino, California, but is currently in custody.

4 h. Patrick OROSCO ("OROSCO"), is believed to be a
5 narcotics courier for ALEX's organization. OROSCO is a Hispanic
6 male, born on March 21, 1967. His California Driver's License
7 number is C4133871. OROSCO is believed to reside at 10382 Ramona
8 Avenue Apt. F, Montclair, California.

9 i. Armando VENEGAS ("VENEGAS"), is ALEX's brother-in-
10 law. Based on intercepted calls on **Target Telephone #1**, I am
11 aware that VENEGAS has distributed narcotics in the Northern
12 California area as part of ALEX's narcotics distribution
13 organization. VENEGAS is a Hispanic male, born on April 22,
14 1983. His California Index Number is X7786172. VENEGAS is
believed to reside at 793 E. Lewelling Bl., Hayward, California.

16 j. Richard CASTORENA ("CASTORENA"), is a former
17 customer of ALEX's narcotics trafficking organization, and now
18 assists OROSCO and CASTRO as a street-level courier. CASTORENA
19 is a Hispanic male, born on November 4, 1952.

20 k. Mario LNU ("MARIO"), is a customer of ALEX's
21 narcotics trafficking organization, and has yet to be positively
22 identified.

23 l. Lucio Gallardo Diaz ("DIAZ"), is a Hispanic male,
24 California Driver's License number D8475908, who is believed to
25 reside at 4950 E. Balch Ave. #202, Fresno, CA. Intercepted calls
26 on **Target Telephone #1** indicate that DIAZ is a source of supply
27 of marijuana for ALEX's organization.

28 m. Ray Perez ("PEREZ") is a former customer of ALEX's
organization and a friend of Shawn Young ("YOUNG"), and is now

1 believed to be distributing narcotics for ALEX in the San
2 Bernardino area. PEREZ has a date of birth of 1/14/1971 and a
3 California Driver's License number A5412600, and is believed to
4 reside at 25364 Fischer St., San Bernardino, CA.

5 n. Shawn Young ("YOUNG"), also known as "Speedy."
6 Based on intercepted calls on **Target Telephone #1**, I believe that
7 YOUNG has acted as a street level narcotics courier for ALEX's
8 organization. YOUNG is a Hispanic male, born on July 4, 1972.
9 His California Driver's License Number is A9307919. YOUNG's
10 residence is unknown.

11 o. Carmela LNU ("CARMELA"), is ALEX's wife and has
12 yet to be positively identified. She is believed to reside with
13 ALEX at 15544 Prairie Way, Riverside, California. Based on
14 intercepted calls on **Target Telephone #1** and **Target Telephone #3**,
15 I believe that CARMELA assists ALEX with his narcotics
16 distribution activities.

17 p. FNU LNU, also known as Cabezon ("CABEZON") is
18 ALEX's brother-in-law, and has yet to be positively identified.
19 Based on intercepted calls on **Target Telephone #1** and **Target**
20 **Telephone #3**, I believe that CABEZON assists ALEX with his
21 narcotics distribution activities.

22 q. Gabriel Macias ("MACIAS") has acted as a street
23 level courier for ALEX's organization. MACIAS is a Hispanic male
24 born on April 16, 1989. His California Driver's License Number
25 is D7907488, and his residence is unknown.

26 r. Paul ONSUREZ has acted as a street level courier
27 for ALEX's organization. ONSUREZ is a Hispanic male born on
28 October 10, 1963. His California Driver's License Number is

1 C0503421, and his residence is unknown.

2 s. Juan DIAZ ("DIAZ") is a known and admitted member
3 of the Ontario Black Angels criminal street gang, who uses the
4 gang alias of "Swiftly." Based on my review of previous toll
5 information on **Target Telephone #4**, I believed that DIAZ was
6 communicating with NAVARRO regarding the criminal activity of the
7 Ontario Black Angels street gang. DIAZ's telephone number has
8 not been identified on **Target Telephone #5**, however, believe that
9 he may be communicating with NAVARRO on a new, yet to be
10 identified telephone number since DIAZ was recently arrested and
11 the released for his suspected involvement in a homicide case.

12 t. FNU LNU ("UM/SOS") is a heroin and cocaine source
13 of supply for ALEX's narcotics trafficking organization. He is a
14 Hispanic male with an unknown date of birth, who is believed to
reside at 1023 10th Street in San Bernardino, California.
16 However, based on my review of intercepted communications on
17 **Target Telephone #3**, I am aware that UM/SOS may have recently
18 been arrested and deported to Mexico.

19 u. Victor Carrasco Felix ("FELIX") is a heroin source
20 of supply for ALEX's narcotics trafficking organization. He is a
21 Hispanic male, date of birth 7/30/1983, with an address of 8661
22 Spohn St., Fontana, Ca.

23 v. JOSE LNU ("JOSE LNU") is believed to be an
24 extortion victim of NAVARRO. Based on my review of toll
25 information for **Target Telephone #5**, I am also aware that JOSE
26 LNU is presently in contact with NAVARRO, and, based on my
27 training, experience, and knowledge of the investigation, I
28 believe that NAVARRO is presently extorting JOSE LNU in

1 connection with JOSE LNU's narcotics trafficking.

2 w. FNU LNU ("GILBERTO GUTIERREZ") is believed to be a
3 narcotics source of supply for ALEX's narcotics trafficking
4 organization. On March 31, 2009, GILBERTO GUTIERREZ drove a
5 silver Honda Accord that arrive at ALEX's residence, Ca. Lic.
6 Plate 6GXL941.⁸ Shortly after leaving ALEX's residence on that
7 date, GILBERTO GUTIERREZ and JOSE GUTIERREZ were together found
8 to possess more than \$10,000 in cash. GILBERTO GUTIERREZ is a
9 Hispanic male, believed to have a date of birth 2/13/1959. See ¶
10 48. GILBERTO GUTIERREZ did not have a California Driver's
11 license on this date and, based on my training and experience, I
12 do not consider him positively identified at this time.

13 . x. FNU LNU ("JOSE GUTIERREZ")⁹ is believed to be a
14 narcotics source of supply for ALEX's narcotics trafficking
organization. On March 31, 2009, JOSE GUTIERREZ was a passenger
16 in a silver Honda Accord that arrive at ALEX's residence, Ca.
17 Lic. Plate 6GXL941. Shortly after leaving ALEX's residence on
18 that date, JOSE GUTIERREZ and GILBERTO GUTIERREZ were together
19 found to possess more than \$10,000 in cash. JOSE GUTIERREZ is a
20 Hispanic male, believed to have a date of birth 2/2/1967. See ¶
21 48.

22 y. Teresa Castro ("CASTRO"), also known as "Osita",
23 is a street level dealer for ALEX. She is a Hispanic female,
24

25 ⁸ The vehicle was registered to Hugo OLIVO at 1608 Cleveland St.
26 San Bernardino, Ca.

27 ⁹ JOSE GUTIERREZ is also known as Daniel Quezada, DOB
28 12/12/1967. I do not consider JOSE GUTIERREZ positively
identified at this time.

1 with a date of birth of 7/28/1961, and California Driver's
Licence number C0362731. While the address on her Driver's
3 License is 1985 Looking Glass Way, Upland, CA, I believe she is
4 presently a transient.

5 **V. FACTS ESTABLISHING PROBABLE CAUSE**

6 **A. Overview of the Investigation to Date**

7 22. This investigation targets ALEX's narcotics
8 distribution activities, including ALEX's source of supply, and
9 also seeks to identify members and associates of the Ontario
10 Black Angels criminal street gang that are involved in the gang's
11 extortion activities.

12 23. Based on my training, experience, and in speaking with
13 Sgt. Keith Volm, Det. Paul Berdnik, and Cpl. Chris Martinez of
14 the Ontario Police Department, the Ontario Black Angels criminal
street gang was formed in the 1940s as a car club in the City of
16 Ontario. The car club evolved into a criminal street gang after
17 warring with other car clubs, and the expansion of the gang is
18 tracked through police contacts and graffiti in the area.

19 24. Based on my training and experience and my
20 conversations with Sgt. Keith Volm, Det. Paul Berdnik, and Cpl.
21 Chris Martinez of the Ontario Police Department, I am aware that
22 presently, the Ontario Black Angels are the most violent gang in
23 the City of Ontario, and are involved in narcotics trafficking,
24 extortion, hate crimes, and other violent activity including
25 assault and murder. I am, on those bases, also aware that these
26 crimes are committed in furtherance of the gang, and certain
27 crimes are only committed if authorized by the Mexican Mafia.

28 25. In June of 2008, Officer Ramiro Martinez of the

1 Ontario/Upland Narcotics Task Force (OUNTF) obtained information
2 from a Confidential Source ("CS#1"). CS#1 had agreed to provide
3 information on a narcotics trafficking organization in exchange
4 for consideration in the prosecution of a pending criminal court
5 case.¹⁰

6 26. CS#1 told Officer Martinez that MISQUEZ resided at 1830
7 E. Tam O'Shanter St. in Ontario, California, and was responsible
8 for dealing heroin in Ontario and neighboring cities. CS#1
9 stated MISQUEZ received a daily shipment of narcotics from a
10 source of supply she knew as "Alex," and MISQUEZ employed two
11 runners known as "Linda" and "Weasel."¹¹ CS#1 told Officer
12 Martinez that both of these runner drove a green Ford
13 Thunderbird.

14 27. CS#1 also told Officer Martinez that he/she was aware
15 of two telephone numbers used by MISQUEZ. The first telephone
16 number, (909) 636-9695 was primarily used by the runners, and the
17 second number, (909) 717-5752 was used by MISQUEZ to conduct
18 business. CS#1 knew MISQUEZ on a personal level, had knowledge
19 of an arrest involving MISQUEZ and a large quantity of narcotics,
20 and while he/she did not admit to using narcotics, he/she did
21 know people who conducted narcotics transactions with MISQUEZ.
22 In July 2008, CS#1 told Officer Martinez that MISQUEZ suspected
23

24 ¹⁰ CS#1 has a criminal history which includes narcotics offenses.
25 However, the information provided by CS#1 has been corroborated
26 by other investigative means, including surveillance on the
27 target subjects, and the information provided by CS#1 is
28 therefore considered reliable.

29 ¹¹ Through the use of the local Ontario Police Department
30 database, Officer Martinez was able to learn that HOYOS used the
31 moniker "Weasel."

1 that she was being followed and, as a result, MISQUEZ was taking
2 a hands off approach and had changed the vehicle that the
3 "runners" use. CS#1 told Officer Martinez that MISQUEZ's runners
4 were now driving a black Kia that was previously driven by ALEX's
5 runners, and that ALEX was driving the green Ford Thunderbird.

6 28. During July and August 2008, members of the OUNTF had
7 established surveillance on numerous occasions at MISQUEZ's
8 residence, 1830 E. Tam O'Shanter St., in Ontario. While
9 observing MISQUEZ's activities, surveillance units were able to
10 observe individuals later identified as ALEX, a suspected source
11 of supply of narcotics for MISQUEZ, and HOYOS, aka "Weasel," a
12 suspected street level courier for the organization.

13 29. On July 31, 2008, an examination of the discarded
14 garbage at MISQUEZ's residence revealed mail belonging to Sara
15 MISQUEZ, as well as pieces of balloons and foil consistent with
16 the packaging of narcotics. Additionally, a review of electronic
17 law enforcement records indicated that MISQUEZ has a 1984 felony
18 conviction in Pomona for violations of California Health and
19 Safety Code Section 11378, Possession of a Controlled Substance
20 for Sales, and Health and Safety Code Section 11351, Possession
21 of a Narcotic Controlled Substance for Sales. MISQUEZ also has a
22 1989 felony conviction in Pomona for a violation of California
23 Penal Code Section 211, Robbery. In August 2008, Officer
24 Martinez spoke with Detective Stringer of the San Bernardino
25 Sheriff's Department, and learned that Detective Stringer had
26 arrested MISQUEZ in March 2008 for a violation of California
27 Health and Safety Code Section 11351, Possession for Sales of a
28 Narcotic Controlled Substance. MISQUEZ originally agreed to

1 cooperate with law enforcement in return for consideration on her
2 case, but she did not remain in contact with officers, or supply
3 any information. Criminal charges were subsequently filed
4 against MISQUEZ, and she accepted a plea agreement. MISQUEZ is
5 presently in custody.

6 30. On August 8, 2008, surveillance units observed HOYOS
7 briefly meet with two subjects in a parking lot in the 1200 block
8 of W. 4th Street, in Ontario. HOYOS was seen walking toward the
9 two subjects, one in a vehicle and one on foot, and quickly walk
10 away. Based on the surveillance officer's training and
11 experience, it appeared HOYOS had completed two narcotics
12 transactions.

13 31. On September 17, 2008, during a parole search, San
14 Bernardino County Sheriff's Deputy Bannes and members of the
SMASH Unit received information that a heroin dealer resided at
16 1254 W. J St., Apt. B, in Ontario. Deputy Bannes contacted
17 HOYOS at the residence, and was able to enter and search the
18 location. No narcotics were located, but \$325.00 in US currency
19 was found with handwritten notes, which based on training and
20 experience, appeared to be pay/owe sheets. HOYOS told Deputy
21 Bannes the money was for "Alex," a source of supply for
22 narcotics, and HOYOS agreed to call Deputy Bannes when he was
23 going to meet with Alex.¹²

24 32. On September 18, 2008, Deputy Bannes spoke with
25

26
27 ¹² Ontario Police Officer Ramiro Martinez coincidentally drove
28 through the neighborhood and noticed the police vehicle near
HOYOS' residence. Officer Martinez spoke with Deputy Bannes and
advised him of the ongoing investigation involving HOYOS.

1 Officer Martinez to inform him HOYOS had contacted him. HOYOS
2 called Deputy Bannes to say he (HOYOS) had met with ALEX to
3 give ALEX the \$325.00 US currency and HOYOS had received 75
4 balloons of heroin in return.

5 33. On September 26, 2008, members of OUNTF established
6 surveillance at HOYOS' residence. HOYOS was observed driving a
7 green Dodge Caravan, California License Plate 5VLX697. Officers
8 saw HOYOS meet with several subjects and engage in hand-to-hand
9 transactions, which they believed, based on their training and
10 experience, to be narcotics transactions.

11 34. On October 14, 2008, the Honorable Judge Kenneth Barr
12 of the San Bernardino County Superior Court, State of
13 California, granted and issued San Bernardino County Intercept
14 Order 2008-83, authorizing interception of wire and electronic
15 communications on (909) 717-5752. On October 17, 2008, an
16 intercepted conversation between HOYOS using (909) 717-5752, and
17 "Limpy" using (909) 373-9361 indicated that "Limpy" received
18 weekly extortion payments from ALEX's narcotics trafficking
19 organization. After speaking with Ontario Police Gang
20 Suppression Unit's Sergeant Volm, and Detective Berdnik, I
21 learned "Limpy" was the moniker of self-admitted Ontario Black
22 Angel gang member Manuel VEGA.

23 35. These extortion payments, often called "rent" or
24 "taxes," give ALEX and his narcotics distribution organization
25 the right to sell narcotics in the Ontario area.

26 36. On November 12, 2008, the Honorable Judge Kenneth
27 Barr of the San Bernardino County Superior Court, State of
28 California, granted and issued San Bernardino County Intercept

1 Order 2008-83 Extension #1, authorizing continued interception
2 of wire and electronic communications on (909) 717-5752, and San
3 Bernardino County Intercept Order 2008-93, authorizing
4 interception of wire and electronic communications on **Target**
5 **Telephone #1**.

6 37. On November 15, 2008, an intercepted conversation
7 between ALEX using **Target Telephone #1**, and "David" using
8 telephone number 909-261-1412, indicated that "David" assisted
9 VEGA by collecting extortion payments from ALEX's narcotics
10 trafficking organization, as well as by collecting money owed to
11 the organization from people who refused to pay debts.

12 a. After researching the subscriber information on
13 telephone number 909-261-1412, and speaking with Detective
14 Berdnik from the Ontario Gang Suppression Unit, I was able to
15 identify "David" as David NAVARRO, aka "Plucky", a self admitted
16 Ontario Black Angel Gang Member.

17 38. On November 26, 2008, members of the OUNTF established
18 surveillance at the Jack-in-the-Box located at 10151 Ben Nevis
19 Road, Riverside, California, when telephone intercepts on **Target**
20 **Telephone #1** indicated ALEX would meet with a possible new
21 source of supply, who was, at the time, using (714) 381-6376.¹³

22 a. Surveillance observed ALEX and the unidentified
23 male ("UM") meet in the UM's vehicle, which was a gold Honda
24 Accord, California License Plate, 4AWW883, registered to Manuel
25

26
27 ¹³ As set in my February 13, 2009 Affidavit, FNU LNU, the source
28 of supply, discontinued using telephone number 714-381-6376 and
began using **Target Telephone #2**. However, I am unaware of what
telephone number FNU LNU is presently using.

1 Francisco Lopez, at 520 Walker Drive, Apartment 48, Mountain
2 View, California. Intercepted conversations during the meeting
3 indicated that the UM had brought narcotics for ALEX to view,
4 and ALEX discussed prices with his brother-in-law that lives in
5 the bay area. The UM was followed from the meeting by
6 surveillance units to Carlos and Saul's Appliances at 888 N.
7 Mount Vernon Street in San Bernardino, California.

8 39. On December 8, 2008, surveillance was established at
9 ALEX's residence, after an intercepted conversation between ALEX
10 using **Target Telephone #1** and the UM using (714) 381-6376
11 indicated that the UM would be delivering narcotics to ALEX's
12 residence. The UM was observed at ALEX's residence in a white
13 Honda Accord, California License plate 6FQD094, registered to
14 Ismael Ordonez, at 316 Escuela Avenue # 102, Mountain View,
California.

16 a. Surveillance units followed the UM from ALEX's
17 residence to 1023 10th Street in San Bernardino, where another
18 Honda Accord, with California License plate 6CFC072, registered
19 to Victoriano Rojas Garcia, at 520 Walker Drive #48, Mountain
20 View, California, was in the driveway of the residence.

21 b. The UM left the residence on 10th Street and
22 arrived at the Carlos and Saul's Appliances, 888 N. Mount Vernon
23 Street in San Bernardino, where surveillance was terminated.

24 40. On December 11, 2008, the Honorable Judge Kenneth Barr
25 of the San Bernardino County Superior Court, State of
26 California, granted and issued San Bernardino County Intercept
27 Order 2008-93 Extension #1, authorizing continued interception
28 of wire and electronic communications on **Target Telephone #1**.

1 On December 12, 2008, the Honorable Judge Helios Hernandez of
2 the Riverside County Superior Court, State of California,
3 granted and issued Riverside County Intercept Order 08-62,
4 authorizing interception of wire and electronic communications
5 on (714) 457-7770.

6 41. On December 28, 2008, it was learned through
7 intercepted conversation between ALEX using **Target Telephone #1**,
8 that the UM had changed his telephone number to **Target Telephone**
9 **#2**.

10 42. On January 5, 2009, surveillance was established at
11 ALEX's residence after intercepted conversation on **Target**
12 **Telephone #1** indicated that the UM, using **Target Telephone #2**,
13 would be picking up a load of narcotics that was of poor quality
14 from ALEX. The UM arrived at ALEX's residence in a previously
identified Honda Accord, California License plate 6FQD094, see ¶
16 39, and was followed away by surveillance units when he left.

17 a. At approximately 10:24 a.m., while surveillance
18 units followed the UM northbound on the 215 freeway, Officer
19 Martinez placed a ruse call to **Target Telephone #2**. At the time
20 of the call, surveillance observed the UM answer the telephone,
21 and when the UM finished the conversation, Officer Martinez
22 informed me that he had spoken to the UM.

23 b. Surveillance followed the UM to the Carlos and
24 Saul's Appliances at 888 N. Mount Vernon Avenue, after he
25 circled a nearby neighborhood employing what appeared to be
26 counter-surveillance tactics. The UM left the Mount Vernon
27 location and drove to the 1023 10th Street residence at
28 approximately 10:50 a.m. Surveillance followed the UM to 2550

1 N. Macy St. in San Bernardino, California, before he returned to
the 1023 10th St. address. At approximately 1:35 p.m.,
3 telephone intercepts between ALEX using **Target Telephone #1** and
4 the UM using **Target Telephone #2** indicated that the UM was with
5 his source of supply, and that the UM was attempting to ensure
6 the new load of narcotics would not be the same poor quality as
7 the last one. While attempting to follow the UM in the area of
8 Glen Avon, California, the UM was able to use counter-
9 surveillance techniques to evade officers. Surveillance was
10 terminated when officers were unable to relocate him or his
11 vehicle.

12 43. On January, 13, 2009, I was contacted by Officer
13 Ramiro Martinez, who informed me that Manuel VEGA, aka Limpy,
14 had been murdered near his residence in Upland, California.
VEGA had been shot in the back of the head one time, his
16 assailant was unknown, and the investigation is in progress.
17 Since VEGA's murder, based on intercepted ccommunications on
18 **Target Telephone #1**, and **Target Telephone #3**, I believe that
19 NAVARRO has taken over the responsibilities of collecting
20 extortion payments, and is now responsible for sending the funds
21 to the members of the Mexican Mafia.

22 **B. Intercepted Communications on Target Telephone #3**

23 44. **Target Telephone #3** has been identified as a cellular
24 telephone used by ALEX. Communications during the interception
25 period for **Target Telephone #3** have demonstrated that the **Target**
26 **Subjects** actively use **Target Telephone #3**, to commit the **Target**
27 **Offenses**. Discussion of the intercepted communications obtained
28 during the initial period of interception is discussed herein.

1 1. March 21, 2009

2 45. On March 21, 2009, at approximately 10:05 a.m., ALEX
3 made an outgoing call on **Target Telephone #3** to Steve HOYOS at
4 telephone number 909-391-1059. During this Spanish language
5 conversation, HOYOS told Alex he was going to Mexico, and when
6 Alex asked why, HOYOS told him "you know why."¹⁴ HOYOS told Alex
7 he was going for "yerba" (Spanish for weed). HOYOS asked if
8 ALEX could do him a favor and give him "one bag" right now.
9 Alex asked a bag for what, and HOYOS answered for him, and
10 clarified "a dime." ALEX told HOYOS "later on."

11 a. Based on my training, experience, and knowledge
12 of the investigation, I believe that, during this conversation
13 between ALEX and HOYOS, HOYOS told Alex that HOYOS was going to
14 Mexico to transport a load of marijuana back into the United
States. I believe that when HOYOS asked ALEX for "one bag" or
16 "a dime," HOYOS is referring to a \$10.00 quantity of narcotics,
17 possibly heroin, and that HOYOS had informed ALEX that HOYOS was
18 going to Mexico to obtain marijuana so that ALEX would be aware
19 that HOYOS was obtaining narcotics to sell and that HOYOS would
20 be able to pay ALEX back for the narcotics that HOYOS wanted
21 from ALEX.

22 b. After this intercepted communication on **Target**
23 **Telephone #3**, Immigration Customs and Enforcement ("ICE") Agent
24 Jay Call entered HOYOS' information into a computer database to
25 have HOYOS inspected further if he were to be encountered at the
26

27 ¹⁴ The words contained in quotation marks in Spanish language
28 conversations throughout the affidavit are translations made by
the certified Spanish language interpreters monitoring the
intercepted calls.

1 border. On March 21, 2009, HOYOS was stopped attempting to re-
2 enter the United States from Mexico with 31 kilograms of
3 marijuana. See ¶ 69 below.

4 **2. March 22, 2009**

5 46. On March 22, 2009, at approximately 11:58 a.m., ALEX
6 received an incoming call on **Target Telephone #3** from an
7 unidentified male ("UM #1") using telephone number 909-349-9554.
8 During their Spanish language conversation, UM #1 asked ALEX if
9 "that" had sold, and Alex replied it was "weak." UM #1 said
10 that "they" were going to arrive on Tuesday.

11 a. Based on my training, experience, and knowledge
12 of the investigation, when UM #1 asked if "that" had sold, I
13 believe that UM #1 was referring to narcotics that UM #1 had
14 supplied to ALEX, and that ALEX's reply that it was "weak" is an
15 indication that ALEX had received poor quality narcotics. Based
16 on my training, experience and knowledge of the investigation, I
17 also believe UM #1 is a source of supply of heroin for ALEX, and
18 the arrival on Tuesday refers to a new load of narcotics that
19 will be delivered on that date.

20 **3. March 27, 2009**

21 47. On March 27, 2009, at approximately 8:41 p.m., ALEX
22 received an incoming call on **Target Telephone #3** from another
23 unidentified male ("UM #2") using 951-445-8759. During their
24 Spanish language conversation, UM #2 stated a guy called to say
25 "new shrimp" had arrived, so UM #2 thought to call ALEX so that
26 ALEX could "sample a plate" and "see how they could do it for
27 next time." ALEX and UM #2 agreed to meet the following day.

28 a. Based on my training, experience, and knowledge

1 of the investigation, I believe that the "new shrimp" UM #2 is
2 referring to is a new load of heroin, and that UM #2 is offering
3 a sample to ALEX. I also believe that UM #2 is a second source
4 of supply of heroin for Alex, and when UM #2 refers to seeing
5 "how they could do it for next time," I believe that they are
6 talking about making arrangements for future narcotics
7 shipments.

8 4. March 31, 2009

9 48. On March 31, 2009, at approximately 10:17 a.m., ALEX
10 received an incoming telephone call on **Target Telephone #3** from
11 UM #2 using telephone number (941) 445-8759. During their
12 Spanish language conversation, UM #2 told ALEX he could not find
13 any, it was kind of hard to get, and they "just got some," but
14 he (UM #2) has one of the ones "to go to sleep" left. UM #2
asked how ALEX was doing, and ALEX replied he had about "half of
16 one." UM#2 said it was up to ALEX because then it would be hard
17 to get/find. ALEX says yes, at least two. UM#2 said he would
18 take what he usually brings him.

19 a. Based on my training, experience, and knowledge
20 of the investigation, I believe that during this call, UM #2 was
21 making arrangements to deliver narcotics to ALEX. I believe
22 that when UM #2 says that he "just got some," UM #2 is
23 indicating that he just obtained a new shipment of narcotics,
24 and that the ones "to go to sleep" refers specifically to UM #2
25 obtaining a heroin shipment. Based on my training, experience,
26 and knowledge of the investigation, I believe that when ALEX
27 replied that he had a "half of one," I believe that he is
28 advising UM #2, that he (ALEX) has a half ounce of heroin left.

1 At approximately 10:35 a.m. on March 31, 2009, I established
2 surveillance at ALEX's residence at 15544 Prairie Way,
3 Riverside, Ca. in anticipation of UM #2's delivery. I contacted
4 Officer Ramiro Martinez of the Ontario Upland Narcotics Task
5 Force (OUNTF) and a surveillance team responded to the location.

6 b. At approximately 10:36 a.m., ALEX made an
7 outgoing call on **Target Telephone #3** to UM #2 on telephone
8 number (951) 445-8759. During their Spanish language
9 conversation, ALEX asked what time UM #2 would be going over.
10 UM #2 said he was getting "that" ready and would go over as soon
11 as he was done. ALEX said alright, and UM #2 asked if ALEX
12 would wait for him. ALEX said yes. Based on my training,
13 experience, and knowledge of the investigation, I believe that
14 the "that" UM #2 is referring to is the shipment of narcotics he
is getting ready to deliver to ALEX.

16 c. At approximately 11:20 a.m., I observed a silver
17 Honda Accord arrive at ALEX's residence, Ca. Lic. Plate Number
18 6GXL941, registered to Hugo OLIVO at 1608 Cleveland St. San
19 Bernardino, Ca. At approximately 11:20 a.m., ALEX received an
20 incoming call on **Target Telephone #3** from UM #2 using (951) 445-
21 8759. During the Spanish language conversation, UM #2 asked
22 what was up, and ALEX said he was there.

23 d. At approximately 12:20 p.m., the Honda Accord
24 left the residence and surveillance units followed it to
25 Ontario, Ca. with the assistance of the Ontario Air Unit. The
26 vehicle exited Mountain Ave. from the 10 Freeway, and was
27 followed to 1031 W. B St. where the two Hispanic male occupants
28 were observed entering an unknown apartment. At approximately

1 1:08 p.m., the two subjects were observed leaving the apartment
2 complex in the Honda Accord, and were followed to the Mariscos
3 Enrique restaurant located on the southwest corner of Mission
4 Blvd. and Mountain Ave. A traffic stop was coordinated with an
5 Ontario Police Unit, and at approximately 2:00 p.m. Corporal
6 Mike Lorenz and Officer James Flesher stopped the vehicle for
7 traveling 50 mph in a 40 mph zone in the area of Mountain Ave.
8 and Francis St. The driver identified himself as Gilberto
9 GUTIERREZ, DOB: 02/13/1959, and the passenger identified himself
10 as Jose GUTIERREZ, DOB: 02/02/1963. The driver did not possess
11 a California Driver's License, and both subjects were asked to
12 exit the vehicle. Consent was obtained from both subjects to
13 search their persons and the vehicle. Gilberto GUTIERREZ had
14 \$3,000.00 US Currency in his possession, Jose GUTIERREZ had
15 3,890.00 US Currency in his possession, and \$5,000 US Currency
16 was located in the center console area of the vehicle. A
17 narcotics detecting canine was requested, and Detective Scott
18 Anderson responded to the traffic stop. The canine alerted on
19 the money found inside the vehicle, and both subjects were taken
20 into custody for further investigation of narcotics trafficking.

21 e. At the Ontario Police Department, both subjects
22 were interviewed after waiving their Miranda Rights. Both
23 subjects stated the money in their possession was to purchase
24 used vehicles. Gilberto GUTIERREZ stated the \$5,000.00 in the
25 vehicle and the \$3,000.00 on his person belonged to him, and he
26 did not know how much money his brother had. Jose GUTIERREZ
27 initially stated all the money belonged to his brother, and
28 whatever money he had in his possession was given to him by his